

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON RULES

**Call to Order:** By **CHAIRMAN JOHN G. HARP**, on March 14, 1997, at 11:15 a.m., in Room 331.

#### ROLL CALL

**Members Present:**

Sen. John G. Harp, Chairman (R)  
Sen. Gary C. Aklestad, Vice Chairman (R)  
Sen. Thomas A. "Tom" Beck (R)  
Sen. Bruce D. Crippen (R)  
Sen. Eve Franklin (D)  
Sen. Mike Foster (R)  
Sen. Lorents Grosfield (R)  
Sen. Mike Halligan (D)  
Sen. Charles "Chuck" Swysgood (R)  
Sen. Fred R. Van Valkenburg (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Greg Petesch, Legislative Services Division  
Fredella Haab, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:** This meeting was to clarify Senate Rules and also to designate what may be brought to the Ethics Committee.

Hearing(s) & Date(s) Posted: March 6, 1997  
Executive Action: SR #18 - Do pass

**CHAIRMAN JOHN HARP** said he wanted to make sure the process is open and is accessible to everyone. Members of the Committee, just to refer and to give a little background on why we are here today, as you can recall the Senate Rules Committee met on December 12, 1996 to discuss exactly, and I think **SENATOR GROSFIELD** brought this up, how the Ethics Committee, because of the change of the Legislature during the 1995 Session on the Standing Ethics Committee, would be used in the future and there was some concern from the Rules Committee as to what the outcome might be. It was further discussed that the Rules Committee adopt a rule on procedure which is currently in the Senate Rules S30-140 and it states that the Ethics Committee shall meet upon

the call of the Chair after the referral of an issue from the Rules Committee. The Rules Committee shall recommend procedures to the Senate for referral of matters to the Ethics Committee. Now what we are going to discuss today is exactly what those matters would be. What the procedure would be. There is nothing with this meeting that pertains to any particular matter. We have no matter. We haven't even set the procedure up. That is the purpose of this meeting. I just want to set the record clear. I understand that there have been members of the Committee who have been working on some procedures and I know **SENATOR BRUCE CRIPPEN** has expressed interest in this matter. **SENATOR CRIPPEN**, do you have anything that we may want to discuss.

**SENATOR CRIPPEN** stated he did. Just by a little more background you remember in the Session in 1995 through the good work of **SENATOR LARRY BAER** along with **SENATOR DOROTHY ECK** and others we were able to adopt and the Governor sign the bill involving dealing with the ethics of legislators and section 22-112 of MCA which is the ethical requirements for legislators which was adopted. Then of course the corresponding rule that we adopted in our regular meetings Senate Rule 30-140 referred to in the opening remarks of **CHAIRMAN HARP**.

The Committee on Committees appointed an Ethics Committee, which is a bipartisan committee. There are two Democrats and two Republicans. I happen to be on it and happen to be the vice-chair. In considering this area it became apparent that we needed to clearly define the methods by which, or the procedure, the Ethics Committee would meet and hear matters before them and also provide and clearly define a philosophy as it would pertain to that subject matter. The Ethics Committee is a regular committee of the Senate in that its role is to hear matters that are brought forth in a manner that any other committee would have and hear testimony on the issues before it and have a full public hearing, properly noticed and then go through an executive session. Also, it would make recommendations to the full Senate. The Ethics Committee in itself has no authority to provide any sanctions or disciplinary actions but that should rest only in the full Senate which would make recommendations to that. The question may pop up on how the Ethics Committee receives these matters. You know in a regular committee a legislator will introduce a bill which will go through the process and then be referred to the appropriate committee by the President of the Senate and then the committee has something before it. The Ethics Committee is somewhat different in that respect in that we need to clearly define a way whereby a matter can come before the Ethics Committee and the Ethics Committee ought not be able to act on its own accord. It is no different than any other committee. I have visited with **Mr. Greg Petesch** on a number of occasions and have discussed with him some ideas as to how this should be resolved. We have come to the conclusion that if a Senator would like to bring something before the Ethics Committee they would have to go through the Senate Rules Committee. The

Senate Rules Committee would essentially act as a gatekeeper. If a senator on his own volition, or volition of a member of the public, felt that there had been a violation of ethics according to the Montana Codes, that Senator ought to be able to come before the Rules Committee and request that a bill of complaint, or whatever you want to call it, be drafted by the Rules Committee and submitted to the Ethics Committee. The Ethics Committee would have something in front of it in a legal and proper fashion and then at that point of time could convene and discuss the matter and should do that in a method set up under the law pertaining to the complaint. Now you might question a little bit as to fact that the Ethics Committee is bipartisan two and two, the Rules Committee is not, it is a partisan committee in the sense that the majority party has more members but I think that is the only way we could do it, that partisan not withstanding. You have before you some proposals that **Mr. Petesch** has prepared. **(EXHIBIT #1)** This is an amendment to the Rules that we would have to present to the Committee that goes into more detail as to what I just referred to. The Rules Committee shall prepare a written statement of a specific question or issue to be addressed by the Ethics Committee. The issues referred to the Ethics Committee must be related to the actions of a Senator during a Legislative Session.

There are laws in existence now that would deal with a Legislator outside of a Legislative Session. You have the Commissioner of Political Practices and an Ethics Commission that one can appeal to in that area. We are not dealing with that. We need to be specific as to what matters can be referred to the Ethics Committee so that the Rules Committee in looking at that will be constrained to deal with only these areas of the law. Keep in mind that we are dealing with the law that would deal with a complaint of this nature. There are other areas that we may want to deal with later on and, of course, the President of the Senate has the right to deal with the decorum of a Legislator as we have in the past when the Senate is in Session. The matters that would be referred to the Ethics Committee would be a violation of Section 2.103, 104, 111, and 112. We then have a provision in there that would provide if there is any violation of the law, and I stress law, by a Senator while acting in the capacity of a Senator so that should something come up and the argument might be made that it is not specifically addressed in these particular sections, that are outlines there but is clearly a violation of law that the Rules Committee could then use that as a proper method to get the matter before the Ethics Committee. I think that deals with the concern I had, and others had, was how we get it before the Ethics Committee in proper form.

**CHAIRMAN HARP** asked for some discussion on the previous testimony.

**SENATOR EVE FRANKLIN** said she agreed that the mechanism of moving through the Rules Committee would be one way to do that but another fail-safe way might be some additional language that

talks about the Ethics Committee, would be able to make a judgement whether the referral was made or if the referral is appropriate. It falls beyond the scope of what they are able to do. The reason for that being, that it keeps everybody from becoming sloppy - what is an "ethics violation?"

**CHAIRMAN HARP** said that was exactly why we are doing this very narrow scope by referring to what is currently a statute and I had a discussion with **SENATOR FRED VAN VALKENBURG** and I thought he made a good point and that was the catchall - any other violation by law while acting in the capacity of Senator would be triggered. I think that was a very important part. So, I fail to see that problem.

**SENATOR FRANKLIN** said she thought they were on the same track and maybe it is like a double fail-safe. If a recommendation comes out of Rules Committee, and the Ethics Committee says "I don't know if this is really appropriate", they could still not necessarily render a "judgment" on the contents but be able to make a comment whether the issue itself was appropriate. **SENATOR FRANKLIN** wanted a little discussion on this.

**PRESIDENT AKLESTAD** thought it would be part of their Rules Committee recommendation when the Ethics Committee came back with their recommendation and they would say we recommend this has no validity to it and that would be covered in this.

**SENATOR CHUCK SWYSGOOD** said in relation to **SENATOR FRANKLIN's** statement, any violation of law by a Senator while acting in the capacity of a Senator, would seem to be all encompassing as it relates to the misdemeanor violations. Those types of things are already covered outside of the session or are we talking about those inside the session in the capacity of a Senator at home and we are at a meeting and we do something is this covering that. It seems to be pretty broad in nature and I guess if there is some abuse of that.

**SENATOR VAN VALKENBURG** said first of all, I don't think it has much application outside of the Session because **CHAIRMAN HARP** has already said the current statutory structure sets up a mechanism where the investigation or disposition of ethical violations when we are not in Session. But, trying to be as theoretically as possible about this, I think there are instances where we are in Session and where there could be a violation of the law by someone acting in their capacity as a Senator such as that you and I had a dispute about a bill and we continue to carry on that dispute outside of the Senate Chambers and maybe I proceed to punch you because I don't think you are responding and understanding my point. So that is what I am getting at by a violation of the law. I don't know if you have to go down to the County Attorney and have me charged. Maybe you would be satisfied with taking your complaint to the Ethics Committee to deal with that situation.

**CHAIRMAN HARP** stated that one of the important parts of changing the Rules and I don't know if this will help you, but it is related to actions of a Senator during Legislative Session. Does that help you in knowing that we are not talking about and I think one of the examples that I thought about is - I have this problem called traveling too fast but I travel safely and if I got a speeding ticket, there is no question I am violating the law but I am not acting in the capacity of a Senator so I would not be included in anything that would fall in the Ethics Committee. Is that right counsel?

**Mr. Petesch** stated that it was the intent of the law.

**SENATOR SWYSGOOD** said if he went one step further. I am in Session and I am going home and while I am driving safely I am speeding and I get a ticket. Does this allow for that maybe being brought before the Ethics Committee. We are stretching the hypothetical here.

**SENATOR VAN VALKENBURG** said he didn't think so unless he you say to the Highway Patrolman who stops you, you better leave me alone or the Highway Patrol Budget is going to get cut.

**SENATOR CRIPPEN** said he thought it was important to have a gate-keeper. Take your example and the Highway Patrolman has given you tickets in the past and hasn't a great fondness for you, reports that to **SENATOR VAN VALKENBURG** and he brings this up and he says he is a little tired of this and he tweaks him a little bit and he has the Rules Committee look at it. The Rules Committee for some reason felt there was enough substance to it and it should be brought before the Ethics committee. The Ethics Committee has a full hearing and found out that you didn't say that at all, so that was the end of it. They could dismiss it. I don't know how they do these complaints but they would exonerate you.

**SENATOR MIKE FOSTER** said if he understood it correctly, if **PRESIDENT AKLESTAD** drops a gavel after a *sine die* motion, and then we go out in the hall and **SENATOR VAN VALKENBURG** proceeds to drop **PRESIDENT AKLESTAD** that is a matter for the county attorney and the Commissioner of Political Practices.

**CHAIRMAN HARP** said that was right because it was not during a legislative session. There are two fine lines here. One for in session and one for when we are not in session.

**CHAIRMAN HARP** wished to address a question to **SENATOR LARRY BAER** if there were no objections.

**SENATOR BAER** stated that he was requested to make some comments on this issue and he thinks they were on the right track. He thought that it was very important that they restrict the activities of the Ethics Committee to in-session activities. There again, it should be activities which constitutes official

misconduct or violation of the legislative rules. As far as criminal activities, official misconduct, I think goes far enough. If the Legislator is convicted of a felon and sometimes the courts don't offer a sentence and - do we really want a felonious legislator to remain in the Legislature. That might be a topic for discussion but I do not personally perceive any current problem of ethical violation with any legislator nor do I perceive any potential problems other than some of the things you are discussing which I don't believe has ever happened in the past. I want to emphasize that the recommendations that I gave to you were maximum parameters that I felt that this joint committee or the Ethics Committee should delve into. I do strongly recommend that you dispense with any concern over misdemeanors that aren't directly related to the Legislator's conduct in this building or while the Legislature is in Session. Try to focus your attention on acts of official misconduct or continuous or multiple breach of legislative rules. If you have a Legislator who simply makes a mistake and violates a rule, I am not talking about **SENATOR VAN VALKENBURG'S** assault on **PRESIDENT AKLESTAD**, but I am talking about a decorumbreach, that a Senator is repeatedly reprimanded for outrageous conduct on the Floor or whatever, then I think you most certainly should address that. I think you should keep your jurisdiction and your potential treatment in the form of reprimand or discipline to a very narrow area. We shouldn't concern ourselves basically with what goes on outside the Session. I have made other suggestions here but I will wait until we get to that point.

**CHAIRMAN HARP** stated that one thing **Mr. Petesch** has referred to me and this is in Section 10 article 5. It deals with organizational procedures. Each House may expel or punish a member with good cause by showing a concurrence of 2/3 of members. That is currently within our Constitution, and I think the example that **SENATOR BAER** used that is currently something that is in place to handle that.

**SENATOR CRIPPEN** said he was correct and that is what we have done. MCA 2-2-103 deals with public trust, public duty, and conduct, and 104 deals with Rules of Conduct of Public Officers and Legislators. 111 deals with both conduct of Legislators and this type of thing and then 112 that we have before us ethical requirements for Legislators and we have those four specific amendments. The only question would be the catchall phrase that if something did come up that the Rules Committee thought should be presented to the Ethics Committee, they would have the authority to do that during a Legislative Session. That is the keeper vision in this.

**Motion: SENATOR BECK MOVE TO AMEND 30-140 OF THE RULES TO REFLECT WHAT YOU HAVE PASSED HERE.**

**CHAIRMAN HARP** asked if there was further discussion on that motion?

**SENATOR LORENTS GROSFIELD** said 2-2-103 states sub 4. (a) The enforcement of this part for: (i) state officers, legislators, and state employees is provided for in 2-2-136 and 2-1-137. 136 and 137 talks about the Commissioner of Political Practice.

**CHAIRMAN HARP** stated that discussion came up earlier today with the **PRESIDENT** and we discussed it in his office and we were concerned with that a little bit. **MR. PRESIDENT** do you want to answer that or **Mr. Petesch** can.

**PRESIDENT AKLESTAD** said when they went through the codes 103, 104, 111, and 112 then I see within 103, it referred to 135, 136, and 137 and you are right. You are right because 135 deals with Ethics Committee, 136 with Political Practices and 137 is the Ethics Commission. My question is if you automatically accept 103 and which is in this motion, you automatically pick up those other two that are referred to in that statute. They really don't affect us directly.

**CHAIRMAN HARP** asked **Mr. Petesch** to respond to that.

**Mr. Petesch** said the intent of including 103 is that as 103 is written for enforcement it is the legislators involving legislative acts as provided for in 135 and that is the Ethics Committee. That is what we are dealing with in this rule. Then it is for all other acts which would be non legislative acts is through the Commissioner of Political Practices and the Ethics Commission ultimately. That is why this refers to during a Session violations of these statutes which all specifically refer to legislators and that is why the catchall if you will has the language in it while acting in the capacity of a Senator because that makes it a legislative act.

**PRESIDENT AKLESTAD** asked if he was to assume that 2-2-103 to coincide with this amendment then would take in consideration 135 not 136 or 137 while we are in Session and when we are out of Session 136 and 137 would kick in pertaining to 103.

**SENATOR SWYSGOOD** still has a little heartburn over **SENATOR FRANKLIN** as it is very broad, and while those of us sitting here, might understand where we are coming from I'm not sure some other wouldn't and I think it leaves the door to some mischief even though the Rules Committee is the gate- keeper of all these actions that it does allow because it, yes, it does say up above during a Legislative Session but does not specifically link those to those laws that would not be brought before the Rules Committee and eventually to the Ethics Committee. I guess it is pretty all encompassing and I just wonder if there is some area where there will be mischief.

**SENATOR FOSTER** said he just thought of another hypothetical situation but something like this could happen and then your interpretation of whether it is in the acting in the capacity of a Senator. Let's say that **PRESIDENT AKLESTAD** goes back home to a

Lincoln Day Dinner and some well intention friend slips some vodka into his 7 Up. He leaves the Lincoln Day Dinner and drives back to Helena and gets a DUI. Is that going to be put in front of the Ethics Committee.

**SENATOR VAN VALKENBURG** stated he didn't think he was acting like a legislator at all. The violation of the law would be driving under the influence of alcohol, not speaking to the Republicans.

**CHAIRMAN HARP** said he had an opportunity to discuss this with you one-on-one as much as he could this last week, and my concern was that as soon as we start putting things that the Ethic Committee could look at is always the opportunity we may leave something out or we may want to continue to add things. The alternative is to maybe look at any other violation by law while Senators act in the capacity of a Senator. I talked to **SENATOR VAN VALKENBURG** about this and somehow what are we going to do- sit here all day and give hypothetical what if or what of that. I am concerned about that. I understand where you are coming from **SENATOR SWYSGOOD** but if you look at how this is drafted it does state during a Legislative Session, so there are some assurances if we try to tighten this thing down, where at the same time there is something here that is not addressed in the current four sections of statute that is part of the Montana law today.

**SENATOR TOM BECK** felt that we had to start some place and if there is abuse of what we have done here I am sure corrections will be made down the road. If it isn't tight enough, more corrections will be made. This looks like excellent language to me to get started with. I think if we have a violation of the law by a Senator acting in the capacity of a Senator, then I think there is room to go to the Ethics Committee. I think that is what the Ethics Committee is about is what we are doing right here in the Senate. I would hope that we can just go ahead and move this.

**PRESIDENT AKLESTAD** said he knew they could come up with hypothetical all day long but I have one that relates to us right. I wasn't drunk but I was speeding but I am trying to get back to the Senate so I mention to the Highway Patrolman that I am going to the Senate and I am not going to deal with his budget, but I do have immunity from arrest. Do I waive that immunity from arrest?

**SENATOR VAN VALKENBURG** stated he could still be arrested but the question is are you subject to an ethics violation by virtue of that comment to that patrolman. No, he didn't think he was.

**SENATOR CRIPPEN** said you don't have that immunity from arrest going back, you just can't be held. They can't put you in jail and say you have to pay some money before you can go on your way. You have that immunity. They can still arrest you for speeding coming back. There is no immunity there.

**SENATOR BECK** said this was the Ethics violation. If he gets stopped and the Highway Patrolman says "You know our pay raise is coming up **MR. AKLESTAD**, and I'll tear this ticket up if you vote for it." You say, "Okay that sounds good" and you go on down the road. That's an ethical violation.

{Tape: 1; Side: a; Approx. Time Count: 35.7; Comments: .}

**SENATOR BAER** stated that the emphasis should be put on legislative action. Is that Senator performing a legislative function at the time. It can perhaps falls under the official misconduct which is in the realms of the Commissioner of Political Practices and appeal on up to the Ethics Commission which doesn't concern us. I think we have to narrowly define the reasons for bringing a Senator before the Ethics Committee.

**PRESIDENT AKLESTAD** called for the question on the motion.

**CHAIRMAN HARP** asked for discussion.

**SENATOR GROSFIELD** stated he thought this went along with **SENATOR BAER'S** question. He wondered if midnight tonight was during the Legislative Session and was told it was until they *sine die*. So in respect to a, b, c, and d we are not necessarily talking official actions taken while acting as a Senator. Matters that may be referred to the Ethics Committee are a, b, c, and d but in the capacity of a Senator only applies to e.

**Mr. Petesch** said **SENATOR GROSFIELD** was correct but all these other statutes refer to a "Legislator may not" or a Legislator violates this section if a legislator does these things. These enumerated statutes are the ethics laws that currently apply to Legislators.

**SENATOR GROSFIELD** stated that if there was a violation of 103.4a under sub i, the Commissioner of Political Practices would still be the one to take care of that even though it was during a Legislative Session.

**Mr. Petesch** said that matter could be under this change referred to the Ethics Committee. For example, I believe you refer to accepting a gift that would tend to improperly influence the Legislator's judgement, is that the statute you are referring to?

**SENATOR GROSFIELD** said it was 2-2-13, sub 4a, i.

**Mr. Petesch** said 136 and 137 address enforcement for Legislators in part and the person, an independent person, filing a complaint with the Commissioner of Political Practices. That is by an outside party. What we are trying to do is deal with the Senate referring matters within the Senate to the Ethics Committee. You will note in the introduction that the Rules Committee is convened to consider an issue upon request of a Senator. This is

limited solely to Senate matters. For example, I could not go to the Rules Committee and raise an issue.

**SENATOR GROSFIELD** said conceivably we could have action under both ii with respect to the same matter if an independent person brought it to Commissioner Argenbright's attention.

**CHAIRMAN HARP** stated that the same person could refer it to a Senator who wanted to bring it before this committee.

**SENATOR VAN VALKENBURG** stated only if it were not a legislative act. If it were a legislative act only the Senate Ethics Committee would have jurisdiction.

**CHAIRMAN HARP** asked for further discussion.

Motion: MOTION TO AMEND 30-140 OF THE SENATE RULES PASSED UNANIMOUSLY.

**CHAIRMAN HARP** said there was one thing that was not included in here and he thought this should be added. In your opening you discussed that once the Ethics Committee has made their determination, that information would go back to the full Senate, not back to the Rules Committee. It isn't stated here. I think it needs to be done. After an equal bipartisan Ethics Committee, with two Democrats and two Republicans, have made their determination on whatever is before them, that issue should go to the full Senate and I think **SENATOR CRIPPEN** talked about that. I do not want to spend an hour on this. What I am asking for is the flexibility to allow **Greg Petesch** to do that.

**Greg Petesch** stated it would need subsection 3 to be added to this Rule. It would say " the Ethics Committee shall make a recommendation to the Senate." A recommendation can be that no action be taken or when the Rules Committee decides there is enough substance on whatever the question is, that they, in writing, refer it to the Ethics Committee, it is incumbent on the Ethics Committee to report something to the Senate and I would say that the recommendation be that nothing be done or a recommendation that the matter be dropped.

**PRESIDENT AKLESTAD** moved "the Ethics Committee shall make a recommendation to the Senate."

**CHAIRMAN HARP** asked for discussion on the motion.

**PRESIDENT AKLESTAD** asked if it were necessary that they make a recommendation to the Senate if they don't feel there is anything there so we don't have to go through the process. If there is a recommendation then it would be brought before the whole Senate.

**SENATOR CRIPPEN** said in my opening remarks I said the Ethics Committee would handle in the like-fashion to Standing Committees. We have rules that deal with Standing Committees and

how they operate. I just assumed from that they would do and could dispose of it in the same manner that the Standing Committees refer back to the full Senate and that would be the only difference we would have a gate-keeper and we would have to have a way to get the recommendation to the Senate.

**SENATOR VAN VALKENBURG** said he didn't generally have a problem with that but one of the very likely possibility here is that the Ethics Committee will divide along party lines and you will end up with things that sort of die in the Ethics Committee on a 2 to 2 vote. I think it really doesn't hurt anything and it takes a very small amount of time to get a report from the Ethics Committee even if that is what it is. The Ethics Committee was unable to reach a majority conclusion and that report should come back to the Senate.

**CHAIRMAN HARP** said here was some new language, what if there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

**Mr. Petesch** said that was **PRESIDENT AKLESTAD'S** suggestion.

**SENATOR SWYSGOOD** stated that it didn't preclude them from making a report that they couldn't reach a decision if they so desired, still under that language, make a report to the Senate.

**SENATOR HALLIGAN** asked if that meant somebody could make a motion to do a report and it dies on a 2 to 2 vote or is it that there will be a report automatically.

**CHAIRMAN HARP** said there could not be a recommendation if there is not a positive motion on a 2 - 2 vote. That is the way I would look at it. Then if you got 2 - 2 committee, which I am sure that will stay in place - I am hoping that no majority party, the Republicans obviously could have made this process where it was partisan right now because we are in control, and the Republicans wanted to make it very clear at that time with us in control, and ethics coming in, it was going to be equal both Democrats and Republicans and I would assume that the Democrat party would treat us alike. So I am assuming that we will always be 2 - 2. I want to make the record clear that when the Republicans had large majority in the Legislature they followed the statutes, which we put in, and that clearly we followed our own laws and didn't play games here.

**PRESIDENT AKLESTAD** had amended his motion to reflect the key word "if".

**Motion/Vote:** **PRESIDENT AKLESTAD'S MOTION** "the Ethics Committee shall make a recommendation to the Senate," **PASSED UNANIMOUSLY.**

**SENATOR HALLIGAN** asked if the determination by the Rules Committee whether this will, this may be the situation, where a sitting Senator may after a private citizen has testified in

front of a committee or had some disagreement with that Senator take some action to either enlist help or assistance to have those individuals go and investigate the disagreement that they have had. If people are aware of that situation, given that we have adopted these rules, would it be this determination from this Rules Committee that this is a matter that would fall within that area and ought to be referred to the Ethics Committee.

**CHAIRMAN HARP** said he thought **SENATOR HALLIGAN** was premature and obviously this amendment to the existing rules has not been adopted by the full Senate, so that matter is out of order at this time. He asked for further discussion, and being none, we will go to the other matters before us.

**CHAIRMAN HARP** said the first item is the Consent Calendar. I had been in the Senate just a short period and I could recall using this Consent Calendar once and the Senator got up and made a motion to put it on second reading. I understand before my time it was used quite often but times were different then and I think people treated each other with a little more civility than they do now. Term limits and Consent Calendars never got heard and I know that the Secretary of the Senate wanted to make a comment on that matter.

**Rosana Skelton, Secretary to the Senate**, stated she would like to see it removed from the Rules. when it was originally adopted I think it was helpful when everything was done by hand it was to save some work and some process. Now that everything is electronic, process isn't a problem. The problem comes in trying to set this aside in a different way and it makes a lot more work. In the House if three people say they don't want it and it automatically goes away. It serves no purpose and it is easier to run everything through a standard process and it is easier to track it and that is why we don't use it. Now that they are going to redo the process with the new computer system and we will have to pay the computer engineers to design this for a system we don't use.

**Motion/Vote:** **PRESIDENT AKLESTAD** MOVED THAT THE SECTION ON THE CONSENT CALENDAR BE OMITTED AND THE MOTION PASSED UNANIMOUSLY. (EXHIBIT #2)

**CHAIRMAN HARP** asked if there were any other matters before this committee.

**SENATOR HALLIGAN** moved the amendment S50-160 (EXHIBIT #3) voting on second reading.

**Motion:** THE MOTION ON SECOND READING PASSED UNANIMOUSLY.

**CHAIRMAN HARP** asked for any more business before the Rules Committee. One other thing we are going to have to do is to suspend the rules to allow the adoption of our new Senate Rules pertaining to 30-140. I assume that would be acceptable to this

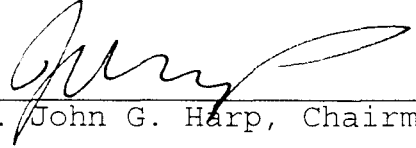
Committee. We will proceed in that manner then. To save on paper, **MR. PRESIDENT** have you decided on what color that we can hand out to everybody.

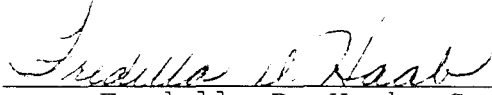
**PRESIDENT AKLESTAD** said we could use white.

**CHAIRMAN HARP** asked for anything further to be brought before this Committee.

ADJOURNMENT

Adjournment: ADJOURNED AT 12:10 P.M. MARCH 14, 1997.

  
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Sen. John G. Harp, Chairman

  
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Fredella D. Haab, Secretary

jgh/fdh